

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DONALD L. BLACKWELDER

Case No. 2:15-cv-02373-JAD-PAL

**Plaintiff,**

## ORDER

CHARLES THORNTON, et al.,

### Defendants.

12 Before the court is Plaintiff Donald L. Blackwelder's Status Report (ECF No. 68). The  
13 status report advises that the parties are trying to settle this matter. A settlement meeting was  
14 scheduled on February 15, 2018 between plaintiff and defendant Thornton and his counsel. The  
15 status report also advises that Mr. Howells sent plaintiff's counsel an email February 12, 2018,  
16 indicating that Mr. Howells had recently learned of the court's December 22, 2017 order requiring  
17 him to find substitute counsel or file a statement indicating he will appear pro se by February 12,  
18 2018. In a letter addressed to the court Mr. Howells requests an extension until March 6, 2018 to  
19 make arrangements for new counsel. He also asks that the court continue the February 20, 2018  
20 hearing. *See Exhibit 3.*

21 The New Jersey Receiver for Aeos prepared a submission to the court which is attached  
22 as Exhibit 4 to the status report. The Receiver is a New Jersey lawyer but is not admitted to state  
23 or federal court in Nevada and has not applied to appear pro hac vice in this case. Thus, he does  
24 not purport to represent Aeos in this case. However, his submission addresses the court's order  
25 requiring Aectos to retain substitute counsel by February 12, 2018, and indicating that failure to  
26 timely comply may result in a recommendation that default judgment be entered against it. The  
27 Receiver indicates that a lack of liquidity prevents Aeos from retaining counsel. However, he is  
28 in discussions with the parties' respective New Jersey and Nevada counsel in an effort to reach a

1 global resolution of all claims against Aeos in both jurisdictions. He fears entry of default  
2 judgment may “derail” settlement discussions scheduled on February 15, 2018 “as it could render  
3 Aeos in need of statutory protection from creditors.” He asks that the court extend the deadline  
4 to retain substitute counsel and refrain from recommending default for 60 days to allow the parties’  
5 settlement discussions to continue.

6 This case was filed December 15, 2015 and should be brought to trial no later than  
7 December 2018. Little to no progress has been made to bring this case to resolution for a  
8 substantial period of time. The court will grant Mr. Howells’ request for an additional two weeks  
9 to retain counsel and reschedule the hearing to allow the parties to attempt to reach a global  
10 resolution of their disputes within a reasonable period of time. However, the court will not  
11 continue to suspend progress towards bringing this case to ultimate resolution much longer.

12 **IT IS ORDERED** that:

- 13 1. Defendant/Crossdefendant/Crossclaimant Brian Howells shall have until **March**  
14 **20, 2018**, in which to retain substitute counsel who shall make an appearance in  
15 accordance with the requirements of the Local Rules of Practice, or file a notice  
16 with the court that he will be appearing in this matter *pro se*, that is representing  
17 himself.
- 18 2. Howells’ failure to timely comply with this order by either obtaining substitute  
19 counsel, or filing a notice that he will be appearing in this matter *pro se* may result  
20 in the imposition of sanctions, which may include a recommendation to the District  
21 Judge that his answer be stricken and/or a default judgment be entered against him.
- 22 3. As a corporation cannot appear except through counsel,  
23 Defendant/Crossdefendant/Crossclaimant Aeos, Ltd. shall have until **March 20,**  
24 **2018**, in which to retain substitute counsel who shall make an appearance in  
25 accordance with the requirements of the Local Rules of Practice.
- 26 4. Aeos, Ltd.’s failure to timely comply with this order by obtaining substitute  
27 counsel may result in the imposition of sanctions, which may include a  
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1 recommendation to the District Judge that a judgment be entered against it for failure  
2 to comply.

3 5. The Clerk of the Court shall serve the Defendants/Crossdefendants/Crossclaimants  
4 with a copy of this order at their last known addresses:

5 Brian S. Howells  
6 c/o Keith N. Biebelbert  
374 Millburn Ave.  
7 Millburn, New Jersey 07041  
Fax: (973) 376-6142  
Cell: (917) 885-1500  
8 [bhowells@aecosltd.com](mailto:bhowells@aecosltd.com)

9 Aecos, Ltd.  
10 325 Columbia Turnpike, Suite 111  
Florham Park, NJ 07932  
11 Office: (862) 701-3161

12 Aecos, Ltd.  
13 c/o Adam K. Derman, Receiver  
One Boland Dr.  
West Orange, NJ 07052  
14 Fax: (973) 325-1501

15 6. The status conference currently scheduled for 10:00 a.m., February 20, 2018, is  
16 VACATED and CONTINUED to **9:30 a.m., March 27, 2018**, in Courtroom 3B.

17 7. The parties shall have until **March 23, 2018** to file a joint status report advising  
18 whether the case has settled, and if so, when settlement documents will be finalized, or if the case  
has not settled, their proposal for bringing this case to ultimate resolution.

19 20 DATED this 15th day of February, 2018.

21   
22 PEGGY A. TEES  
23 UNITED STATES MAGISTRATE JUDGE  
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